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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

February 10, 1998

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
1919 M Street, NW Room 222  
Washington DC 20554


**Re: Ex Parte Presentation**  
CC Docket # 94-102 (E9-1-1)

Dear Ms. Salas:

On Monday, February 9, 1998, Michael Altschul and Andrea Williams of CTIA, Mary Madigan of PCIA, John Melcher of Greater Harris County, Texas 9-1-1, James Hobson, Counsel for NENA, and Robert Gurss, Counsel for APCO, met with John Cimko, Chief, Policy and Rules Division, Wireless Telecommunications Bureau, Dan Grosh, Attorney, Policy and Rules Division, Wireless Telecommunications Bureau, Won Kim, Attorney, Policy and Rules Division, Wireless Telecommunications Bureau and Ron Netro, Senior Engineer, Policy and Rules Division, Wireless Telecommunications Bureau concerning the referenced proceeding. The topics discussed included the implementation of Phase 1 of the wireless E9-1-1 rules on April 1, 1998, and included the implementation issues that wireless carriers and PSAPs are encountering, the likelihood of requests for waivers of the rules, and issues anticipated with Phase 2 implementation.

Pursuant to Section 1.1206 of the Commission's Rules, an original and one copy of this letter and its attachments are being filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

  
Cleveland Lawrence III

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DOCKET # E9-1-102

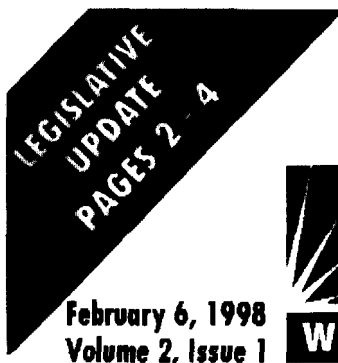


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# newsflash

## WIRELESS E9-1-1 POLICY, POLITICS & PLAYERS



## 21 States to Consider Wireless E9-1-1 Bills in 1998

### Note to New Subscribers:

*newsflash* is a publication of XYPOINT Corporation. Its focus is to provide useful up-to-date information regarding compliance with FCC mandates for wireless enhanced 9-1-1 services. For circulation questions, call (206) 382-0594. For editorial comments or questions, contact Reuven Carlyle, Vice President, External Affairs, or Tim Zenk, Director, External Affairs at (206) 674-1000.

Seattle — Wireless enhanced 9-1-1 legislation is expected to be introduced in 21 states during the 1998 legislative cycle, according to a XYPOINT Corp. survey of wireless carriers, public safety officials and state legislative aides.

The legislation would create cost-recovery mechanisms to help state and local officials implement the Federal Communication Commission's mandate on wireless carriers to provide E9-1-1 service. Most of the bills are also expected to include indemnification protection for wireless carriers as well as public safety officials for the provision of E9-1-1 service.

During the 1997 legislative sessions, 10 states passed wireless E9-1-1 dealing with cost recovery and indemnification, while 14 other states introduced bills that did not pass their respective state legislatures.

"Wireless E9-1-1 bills are now on the front burner across the nation, and, fortunately, there are consistent patterns that have surfaced regarding the key policy issues," said Reuven M. Carlyle, vice president of external affairs for XYPOINT. "Wireless carriers clearly favor statewide systems, immunity from liability and low taxes, while public safety officials want to seamlessly integrate wireless calls into their existing E9-1-1 systems," he said. "All of these policy and political issues leave a lot of room for a win-win."

Wireless carriers and public safety officials say negotiations are currently underway in all 21 states and draft bills may change prior to their introduction. The following states are expected to introduce bills creating cost-recovery mechanisms, with proposed monthly rates for wireless E9-1-1 taxes: Ala-

bama (\$1), Florida (50 cents), Georgia (legislative study), Hawaii (state regulatory action), Idaho (\$1), Illinois (95 cents), Indiana (65 cents), Iowa (93 cents), Kansas (75 cents), Kentucky (70 cents), Massachusetts (50 cents), Michigan (75 cents), Missouri (75 cents), North Carolina (80 cents), Ohio (65 cents), Oklahoma (to be determined), Pennsylvania (75 cents), South Carolina (65 cents or more), Tennessee (70 cents to \$1), Virginia (legislative study) and Washington (75 cents).

On Dec. 1, the FCC issued its final reconsideration of the Wireless E9-1-1 Report and Order, requiring wireless carriers to provide the public safety community with new E9-1-1 services by April 1, 1998, when key conditions have been met by the public safety community. One condition set by the FCC was that a cost-recovery mechanism must exist before wireless carriers are required to provide the service.

The issue of indemnification from liability has gained new urgency since ABC News' Prime Time Live aired a story about an LA Cellular customer in Los Angeles who was seriously injured while un-

"Wireless E9-1-1 legislation makes good sense not only for public safety officials and wireless carriers, but ultimately for the nation's 53 million wireless customers."

William E. Stokes  
Vice President  
NFPA

See '21 States'  
continued on page 5

## LEGISLATIVE UPDATES

|                 |  |  |                   |          |
|-----------------|--|--|-------------------|----------|
| <b>Alabama</b>  | <b>House Bill 312</b><br>(Amends §§ 11-98-6; adds §§ 11-98-7 - 12)   | Adds wireless cost recovery surcharge of \$1.00; creates CMRS E9-1-1 board and costs study   | Introduced        | 1/13/98  |
|                 | <b>Senate Bill 272</b><br>(Amends § 11-98-6 and adds §§ 11-98-7 - 9) | Same as H.B. 312   | Introduced        | 1/15/98  |
| <b>Florida</b>  | To Be Introduced   |  |                   |          |
| <b>Georgia</b>  | <b>House Res. 488</b>  | E9-1-1 Funding Study   | Introduced        | 3/14/97  |
|                 |  |  | Died (carry over) | 3/28/97  |
|                 | <b>Senate Bill 237</b><br>(Amends § 46-5-134)                        | Adds to list of approved disbursements from Emergency Telecom. System Fund   | Introduced        | 2/7/97   |
|                 |  |  | Amended           | 3/3/97   |
|                 |  |  | Died (carry over) | 3/28/97  |
|                 | <b>House Res. 488</b>  | Same as Senate Res. 53   | Introduced        | 03/14/97 |
|                 |  |  | Died (carry over) | 03/28/97 |
| <b>Hawaii</b>   | <b>Senate Bill 1249</b><br>(New Act)                                 | Allows wireless E9-1-1 system upgrade funded by general obligation bonds   | Introduced        | 01/21/97 |
|                 |  |  | Committee         | 01/28/97 |
|                 |  |  | Died (carry over) | 05/01/97 |
|                 | <b>Senate Bill 1373</b>  | Same as S.B. 1249  | Introduced        | 01/22/97 |
|                 |  |  | Ways and Means    | 02/14/97 |
|                 |  |  | Died (carry over) | 05/01/97 |
|                 | <b>House Bill 2146</b><br>(Amends § 289-16.95)                       | Extends E9-1-1 cost recovery beyond first year through surcharge or "next rate case"; amended versions contains no substantive changes;  | Introduced        | 01/24/97 |
|                 |  |  | Amended           | 02/27/97 |
|                 |  |  | Senate Commerce,  | 03/06/97 |
|                 |  |  | Amended           | 04/04/97 |
|                 |  |  | Died (carry over) | 05/01/97 |
| <b>Illinois</b> | <b>House Bill 617</b><br>(Amends § 750/15.3-1)                       | Establishes state wireless E9-1-1 fund and imposes wireless local surcharge of \$.95   | Introduced        | 2/8/97   |
|                 |  |  | Rules             | 3/21/97  |
|                 |  |  | Died (carry over) | 6/6/97   |
|                 | <b>House Bill 617</b><br>(Amends § 750/15.3-1)                       | Establishes state wireless E9-1-1 fund and imposes wireless local surcharge of \$.95   | Introduced        | 02/06/97 |
|                 |  |  | Rules             | 03/21/97 |
|                 |  |  | Died (carry over) | 06/06/97 |
| <b>Indiana</b>  | <b>House Bill 1082</b><br>(Adds § 36-8-16.5)                         | Creates wireless board to administer funds; adds wireless surcharge initially of \$.65, NTE \$1.00 with \$.25 to go to provider cost recovery; adds wireless immunity; no substantive changes in amended version | Introduced        | 1/6/98   |
|                 |  |  | Amended           | 1/26/98  |
|                 | <b>Senate Bill 150</b><br>(Adds § 36-8-16.5)                         | Same as H.B. 1082  | Introduced        | 1/6/98   |
|                 |  |  | Amended           | 1/22/98  |

## LEGISLATIVE UPDATE

| State          | Legislation  | Summary   | Effective Date  |
|----------------|--|---|---|
| Iowa           | <b>Senate Bill 530</b><br>(Amends § 34A.15)                      | Creates E9-1-1 commission; adds wireless surcharge of \$1.00; amended version adds wireless immunity, recovery for wireless providers of all costs re the implementation and operation of E9-1-1, and a cost recovery study | Introduced 04/01/97<br>Amended 04/23/97<br>Died (carry over) 04/30/97 |
|                | <b>House Bill 735</b><br>(Amends § 34A.7)                        | Pooling of funds; wireless immunity; wireless surcharge NTE \$1.00  | Introduced 04/28/97<br>Died (carry over) 04/30/97                     |
| Kansas         | To Be Introduced   |   |   |
| Kentucky       | To Be Introduced   |   |   |
| Louisiana      | To Be Introduced   |   |   |
| Massachusetts  | To Be Introduced   |   |   |
| Michigan       | To Be Introduced   |   |   |
| Mississippi    | <b>Senate Bill 2139</b><br>(Amends § 19-5-313)                   | Mandates emergency telephone service charge of \$1 per subscriber/month   | Introduced 1/6/98   |
|                | <b>House Bill 1364</b><br>(Amends §§ 19-5-303, 313, 359 and 361) | Creates CMRS Board; defines CMRS; adds surcharge of \$1.00; adds wireless immunity (similar to Alabama HB 312)  | Introduced 1/20/98  |
|                | <b>Senate Bill 2821</b>  | Same as H.B. 1364   | Introduced 1/20/98  |
| Missouri       | <b>House Bill 1143</b><br>(Adds §§ 190.400-440)                  | Creates wires provider advisory board; adds wireless surcharge of \$.50; cost recovery to providers to implement FCC order 94-102   | Introduced 1/7/98   |
| North Carolina | To Be Introduced   |   |   |
| Ohio           | To Be Introduced   |   |   |
| Oklahoma       | <b>House Bill 2403</b><br>(Amends § 139.109)                     | Corporation Commission cost recovery for Administration of the E911 fund  | Introduced 1/7/98   |
|                | <b>House Bill 2710</b><br>(Amends § 2813)                        | Adds wireless provider to definitions; adds wireless surcharge NTE 1/2 the amount assessed for landline; No cost recovery   | Introduced 1/8/98   |
|                | <b>Senate Bill 627</b>   | Same as H.B. 2403   | Prefiled 1/15/98  |
| Pennsylvania   | To Be Introduced   |   |   |
| South Carolina | <b>House Bill 4242</b>   | Same language as S.B. 778   | Introduced 05/28/97<br>Died (carry over) 06/05/97                     |

## LEGISLATIVE UPDATE

|                       |  |   |   |
|-----------------------|--|---|---|
| <b>South Carolina</b> | <b>Senate Bill 778</b><br>(Amends § 23-47-10, 70)            | <b>Wireless surcharge NTE \$1.00; wireless immunity</b>   | <b>Introduced</b> 05/22/97<br><b>Died (carry over)</b> 06/05/97   |
| <b>South Dakota</b>   | <b>House Bill 1216</b><br>(Amends § 49-31)                   | <b>Requires wireless providers to contribute to the Universal Services Fund through surcharges</b>  | <b>Introduced</b> 1/21/98   |
| <b>Tennessee</b>      | <b>House Bill 2455</b><br>(§ 7-86)                           | <b>Creates the Wireless Implementation Committee; establishes wireless surcharge NTE maximum monthly charge for residential wireline (presently \$0.65)</b> | <b>Introduced</b> 1/22/98   |
|                       | <b>Senate Bill 2735</b><br>(Amends § 7-86)                   | <b>Bans wireless E9-1-1 funding until statewide funding established</b>   | <b>Introduced</b> 1/23/98   |
| <b>Virginia</b>       | <b>To Be Introduced</b>                                      |   |   |
| <b>Washington</b>     | <b>House Bill 1207</b>                                       | <b>Same as S.B. 5143</b>  | <b>Introduced</b> 01/16/97<br><b>Senate 2nd Reading</b> 04/03/97<br><b>Died (carry over)</b> 04/27/97                       |
|                       | <b>Senate Bill 5165</b><br>(Amends § 82.14B.030 & 38.52.540) | <b>Implementation of the E9-1-1 Excise Tax Study; mandates tax rate of \$.20 for wireless and landline; substituted version not substantially different</b> | <b>Substituted</b> 02/21/97<br><b>Ways and Means</b> 02/24/97<br><b>Died (carry over)</b> 04/27/97                          |
|                       | <b>House Bill 1126</b>                                       | <b>Same as S.B. 5165; substituted version sets the tax rate of \$.20 until 12/31/2000</b>   | <b>Introduced</b> 01/14/97<br><b>Substituted</b> 03/10/97<br><b>Committee</b> 03/21/97<br><b>Died (carry over)</b> 04/27/97 |
|                       | <b>Senate Bill 5143</b><br>(Amends § 82.14B.020 - 060)       | <b>E9-1-1 Wireless Fund</b>   | <b>Introduced</b> 01/15/97<br><b>inactive in Rules</b> 04/03/97<br><b>Died (carry over)</b> 04/27/97                        |
| <b>Wisconsin</b>      | <b>To Be Introduced</b>                                      |   |   |



# Calendar

**February 23-25, 1998**  
**CTIA's 13th Annual**  
**Convention & Exposition**  
**Georgia World Congress**  
**Center**  
**Atlanta, Georgia**  
**Contact: 202-463-7905 or**  
**[www.wow-com.com](http://www.wow-com.com)**

**March 1-4, 1998**  
**NENA's 9-1-1 Technical**  
**Development Conference**  
**Omni Rosen Hotel**  
**Orlando, Florida**  
**Contact: 1-800-332-3911**  
**or [www.nena9-1-1.org](http://www.nena9-1-1.org)**

**March 14-17**  
**APCO's 1998 Gulf Coast**  
**Regional Conference**  
**Statehouse Convention**  
**Center**  
**Little Rock, Arkansas**  
**Contact: 1-888-APCO-911**  
**ext. 249 or**  
**[conference@apcointl.org](mailto:conference@apcointl.org)**

**March 31-April 2, 1998**  
**APCO's 1998 Minnesota**  
**Regional Conference**  
**Raddison Hotel**  
**Minneapolis (Plymouth),**  
**Minnesota**  
**Contact: 1-888-APCP-9-1-**  
**1 ext. 249 or**  
**[conference@apcointl.org](mailto:conference@apcointl.org)**



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*continued from page 1*

## 21 States Consider E9-1-1 Bills

successfully attempting to access the company's system to call 9-1-1 for help. California currently provides no liability protection for wireless carriers for the provision of wireless 9-1-1 service, although a measure has been introduced in the California Legislature.

According to a XYPOINT review of liability statutes nationwide, currently 17 states provide indemnification from liability; 20 states have endorsed the concept of indemnification for telecommunication providers but have not clearly extended that coverage to wireless carriers; and 12 states provide no indemnification protection at all. One state, Delaware, holds wireless carriers liable up to \$1 million per incident for their wireless 9-1-1 service.

"Wireless E9-1-1 legislation makes good sense not only for public safety officials and wireless carriers, but ultimately for the nation's 53 million wireless customers who expect — and deserve — to receive help when they use their wireless phones to call 9-1-1," said William H. Hinkle, operation director for Hamilton County, Ohio and vice president of the National Emergency Number Association (NENA). Hinkle has been leading efforts within the public safety community to assist in the drafting and passage of wireless E9-1-1 legislation.

"Indemnification in all 50 states is crucial for wireless carriers and the nation's public safety professionals because it encourages everyone to work day and night to improve the quality of technology used in E9-1-1 service," Hinkle said.

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